

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, et al. individually and on)	
behalf of all others similarly)	
situated,)	
)	Case No. 1:22-cv-000125
<i>Plaintiffs,</i>)	
)	Hon. Matthew F. Kennelly
v.)	
)	
BROWN UNIVERSITY, et al.,)	
)	
<i>Defendants.</i>)	

**CORNELL UNIVERSITY DOE STUDENT 10 MOTION FOR LEAVE TO FILE UNDER
SEAL AND TO NOT MAKE AVAILABLE TO PLAINTIFFS' COUNSEL AN
ADDITIONAL FERPA OBJECTION LETTER**

Cornell University Doe Student 10 (“Student 10”), by and through undersigned counsel, moves this Court for leave to file under seal and not make available to Plaintiffs’ counsel an additional FERPA objection letter sent to the Court in response to the Family Educational Rights and Privacy Act (“FERPA”) Notice that Cornell University (“Cornell”) sent to Student 10 on January 3, 2024. Specifically, Student 10 requests that the Court permit them to (i) file an additional FERPA objection letter under seal with personally identifiable information redacted before they are provided to counsel, (ii) mark the letter as “Attorneys’ Eyes Only” pursuant to the Confidentiality Order in this case, and (iii) not make available to Plaintiffs’ counsel the additional objection letter, for the reasons described below.

On November 2, 2023, eight Cornell Students moved this Court to allow them to file their objection letters under seal, redact personally identifiable information, and mark the letters as “Attorneys’ Eyes Only.” (Dkt. No. 479). On November 3, 2023, this Court granted the Cornell Students’ motion in full. (Dkt. No. 480). The relief sought here is the same, with an

additional request that the additional objection letter not be made available to Plaintiffs' counsel. The reason for this request is to protect Student 10's identity and personally identifiable information, which would all but be revealed just by virtue of filing their objection letter. Because Plaintiffs did not request that Cornell send a FERPA notice to Student 10 until December 18, 2023 (Dkt. No. 561), Student 10 did not receive a FERPA Notice until January 3, 2024—and they are the only additional Cornell Student that received a FERPA Notice on this date. They are also the only additional Cornell Student that intends to file a FERPA objection letter on January 17, 2024, which was the deadline that was provided to them. Given that theirs will be the only additional objection letter filed on this date, even if Student 10 redacts their personally identifiable information, Plaintiffs' counsel will easily be able to identify Student 10 and connect their objection to their personal information in the objection—thus undermining the very purpose underlying their objection letter.

For this reason, Student 10 respectfully requests that the Court grant the Motion for Leave to File Under Seal and to Not Make Available to Plaintiffs' Counsel an Additional FERPA Objection Letter.

Date: January 17, 2024

Respectfully Submitted,

/s/ Sean M. Berkowitz

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Attorneys for Cornell University Doe Student 10

Local Rule 37.2 Certification

I HEREBY CERTIFY that pursuant to Local Rule 37.2, on January 17, 2024, I spoke by phone with Plaintiffs' counsel regarding this Motion. Plaintiffs' counsel stated they do not object to designating Student 10's FERPA objection letter as Attorneys' Eyes Only, to redacting personally identifiable information, or to submitting the FERPA objection letter to the Court under seal. However, Plaintiffs' counsel does object to the FERPA objection letter not being made available to them. Counsel for Student 10 does not object to treating Plaintiffs' counsel's response to the other students' FERPA objection letters submitted in this matter as a response to Student 10's FERPA objection letter. Thus, the parties have conferred in good faith pursuant to Local Rule 37.2.

/s/ Eric R. Swibel

Eric R. Swibel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 17, 2024, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Sean M. Berkowitz

Sean M. Berkowitz